



MARYLAND
Department of Health
Board Of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES

October 16, 2018

The meeting was called to order at 1:00 pm by Board Chair, Kimberly Rotondo.

Call to order

There was a motion and a second to close the open session at 1:44 p.m. to engage in medical review committee deliberations regarding confidential information in applications for licensure and discuss other privileged matters in accordance with General Provisions Article, Section 3-305 (b) (7) and (13). Unless recused, all Board members and staff who were present for the open session were also in attendance for both the closed and administrative sessions.

Board Members Present:

Stephen Baur, PT

Michelle Finnegan, PT

Karen Gordes, PT

Rebecca Holsinger, PT

Meredith Levert, Consumer Member

Donna Richmond, Consumer Member

Kimberly Rotondo, PTA

Sumesh Thomas, PT

Also Present:

Carlton Curry, Executive Director

Brett Felter, AAG, Board Counsel

John Bull, Chief of Compliance & Data Analysis

Andrew Rosenfeld, Investigator

Deborah Jackson, Licensing Coordinator

Patricia Miller, Administrative Assistant

Michelle Cutkelvin, Project Manager

Eric Hebron, Administrative Assistant

Guests:

Kim Lang, Associate Director of Boards and Commissions
 Frank Rath, APTA of Maryland
 Penny Heisler, Executive Director for the MD Board of Acupuncture
 Kelly Brukiewa, ACCE/ Instructor HCC PTA Program

Board Chair, Kimberly Rotondo welcomed Board Members and guests.	Welcome
The minutes of the meeting held on September 18, 2018 were approved.	Minutes
Carlton Curry, Executive Director apprised the Board that he attended the APTA meeting last month. Mr. Curry had a conference call with the Office of Attorney General this morning at which time the federal requirement for criminal history records check was discussed. He also thanked Michelle Cutkelvin, John Bull, and Penny Heisler for their collaborative efforts with Dry Needling Registry.	Legislature Updates
Deborah Jackson, Licensing Coordinator gave the licensure report.	Licensure Update
A licensee is seeking clarification on whether a physical therapist can perform Lipo Cavitation. The Board's response is as follows: Exercise sound professional judgement when attempting to perform Lipo Cavitation, per COMAR 13.101(i) "The Practice of physical therapy means to practice the health specialty concerned with: (i) The prevention of disability in patients or clients; and (ii) The physical rehabilitation of patients or clients with a congenital or acquired disability."	Scope of Practice Lipo Cavitation Technique
(1) A licensee is seeking clarification on whether the course component of the Myopain Seminars dry needling courses, which involves video lectures combined with the in class face-to-face instructions, meet requirements as stipulated in the new regulations; The Board's response is that video is allowed only when it is real time contemporaneous interactions taking place (2) The licensee also wants to know if the Board accepts those who do not have at least two years of experience; The Board's response is that you cannot make application until you have two years of experience. The Board denied the course.	Pivot: Dry Needling Course Inquiry
Mr. Curry will report on the Early Intervention & Preschool webinar which is scheduled for today at 4:00 pm.	Webinar Early Intervention & Preschool Special Education
Mr. Curry tabled the financial report for the next Board meeting.	Financial Report
Mr. Curry presented at FARB (Federation of Associations of Regulatory Boards) in Portland, Oregon on the confidentiality of licensure application information. Mr. Curry announced that Michelle Cutkelvin and Andrew Rosenfeld attended the CLEAR (Council of Licensure Enforcement Regulations) and passed their training.	Strategic Planning

The Board voted to **approve** the following CEU course applications: '*Level 1 Blood Flow Restriction (BFR) Training*'

The Board voted to **deny** the following CEU course applications:

'*Pediatric Yoga and Mindfulness (Morgan)*' because the course is not substantially related to the PT practice; '*MN4 Brain Cranial Neural Manipulation*' because the course is not substantially related to the PT practice.

There was a motion to close the open session at 1:44 p.m.

The board meeting was adjourned at 3:17 pm.


Respectfully submitted,

11/13/18

Date Approved



Carlton Curry, Executive Director



Kimberly Rotondo, PTA, Chairperson

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. **Recorded vote to close the meeting:** Date: 10/16/18; Time: 1:44; Location: 4201 Patterson Avenue
Motion to close meeting made by: K. Rotondo Seconded by S. Baur;
Members in favor: All; Opposed: 0;
Abstaining: 0; Absent: _____.

2. **Statutory authority to close session (check all provisions that apply):**

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1)___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)___ "To consider the investment of public funds"; (6)___ "To consider the marketing of public securities"; (7)___ "To consult with counsel to obtain legal advice"; (8)___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☒ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (13)	Licensure Application	To Discuss privilege applications and Review medical information.
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by Kimberly Rotondo, PTA, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed session: 2:00 pm Place: 4201 Patterson Avenue, Baltimore MD 21215
 Purpose(s): Review confidential applications for licensure
 Members who voted to meet in closed session: All present
 Persons attending closed session: All Board + Staff present at open
 Authority under § 3-305 for the closed session: (b)(13)
 Topics actually discussed: Licensing Applications
 Actions taken: Approve Application Each recorded vote: voted all as appropriate

For a meeting recessed to perform an administrative function (§ 3-104): Time: 2:15 pm
 Place: 4201 Patterson Persons present: All at open Subject matter discussed: Disciplinary matters and investigation